



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-eighth Meeting Day

Monday Afternoon

March 6, 2006

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 313: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 25 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 49, 56, 58, and 61 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill 139 with amendments and the same is herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 133 and 308 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 1, 35, 87, 117, 145, 305, 321, 333, 338, and 340 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 321 and that a conference committee be appointed to confer with a like committee of the House.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 303 and that a conference committee be appointed to confer with a like committee of the House.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 87 and that a conference committee be appointed to confer with a like committee of the House.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 172 and that a conference committee be appointed to confer with a like committee of the House.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 117 and that a conference committee be appointed to confer with a like committee of the House.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 333 and that a conference committee be appointed to confer with a like committee of the House.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 266 and that a conference committee be appointed to confer with a like committee of the House.

MILLER

Motion prevailed.

RESOLUTIONS ON FIRST READING**Senate Resolution 14**

Senate Resolution 14, introduced by Senator Lubbers:

A SENATE RESOLUTION to recognize Redmond ("RJ") Crace for his outstanding achievements.

Whereas, With a strong will and positive attitude, many people are able to overcome health challenges and disabilities. Redmond "RJ" Crace's life exemplifies this principle;

Whereas, As a baby, RJ lost both of his eyes and most of his hearing because of a rare cancer. At age 3, RJ entered the Indiana School of the Blind. Despite the challenges he faced, RJ blazed a trail of academic excellence, maintaining a 3.96 GPA and making the honor roll every year since first grade;

Whereas, Crace has utilized his talents in communications, serving as a co-host on a weekly one hour sports talk program on WJEL Radio in Indianapolis and by writing a regular column for the WJEL website. He has also become a sports radio personality in Danville, Illinois, where he is a sportscaster on WDAN Radio;

Whereas, RJ's academic and broadcasting talents have earned him numerous awards, including a second place State Broadcasting Award and a \$15,000 Abe Lincoln Scholarship from the Indiana Kiwanis. He also earned the Presidential Scholarship from Ball State University, where he has been accepted as a student for the 2006-2007 school year; and

Whereas, The Indiana School of the Blind, its staff, faculty, and administration have served as an outstanding guiding force in helping to prepare RJ for his college career and adult life. Rusty and Jodee Crace, RJ's parents, also deserve great praise for their love and devotion to such an outstanding young man: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate is very proud to have among its citizens a person of such tremendously strong character, dedication, and perseverance. The Indiana Senate wishes RJ Crace much success in his future endeavors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to RJ Crace; Rusty and Jodee Crace, his parents; and Jim Durst, Superintendent of the Indiana School for the Blind.

The resolution was read in full and adopted by voice vote.

**MESSAGE FROM THE PRESIDENT
OF THE SENATE**

Members of the Senate: I have on the 2nd day of March, 2006, signed Senate Enrolled Act 5.

REBECCA S. SKILLMAN
Lieutenant Governor

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 59**

House Concurrent Resolution 59, sponsored by Senators Smith and Rogers:

A CONCURRENT RESOLUTION congratulating Benjamin Banneker Elementary School, Gary, Indiana, on its selection as a Four Star School Award winner.

Whereas, The Four Star School Award is presented by Dr. Suellen Reed, Superintendent of Public Instruction for the state of Indiana, to schools in recognition of attaining scores in the top twenty-five percent of all Indiana schools in language arts, mathematics, total Indiana Statewide Testing for Educational Progress (ISTEP) battery and attendance during a particular school year;

Whereas, Benjamin Banneker Elementary School fulfilled these requirements for the 16th consecutive year;

Whereas, Despite a school size of about 500 students and class sizes that can total as many as 28 pupils, the ISTEP scores at Banneker Elementary have greatly exceeded state averages for the past six years;

Whereas, The students and teachers of Benjamin Banneker Elementary School have received this honor every year because of their hard work, dedication to improvement, and a strong desire to learn;

Whereas, Students have attributed their school's success to the efforts of the principal, teachers, staff, students, and parents working together in a unified effort to maintain the high level of achievement at their school;

Whereas, Principal Sarah Givens credits the success of Benjamin Banneker Elementary School to "good leadership skills, smart students, and a great staff"; and

Whereas, Schools such as Benjamin Banneker Elementary School make a strong statement about the quality of Indiana teachers and the high scholastic standards that exist in Hoosier schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives congratulates the students and teachers of Benjamin Banneker Elementary School on its 16th Four Star School Award and on the effort put forth by the students, teachers, and parents in obtaining this award and urges them to continue to strive for excellence in education throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Sarah Givens, principal of Benjamin Banneker Elementary School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 22

Senate Resolution 22, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's

appreciation to Douglas J. Simmons and the SDS Group, LTD.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes finding time for meals difficult; and

Whereas, The popcorn supplied to the Senate has been enjoyed and appreciated by the members and staff: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate expresses its sincere appreciation to Douglas J. Simmons and the SDS Group, LTD for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Douglas J. Simmons and SDS Group, LTD.

The resolution was read in full and adopted by voice vote.

Senate Resolution 25

Senate Resolution 25, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express our sincere appreciation to Brent Shay and the Eby-Brown Company for their generosity.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes finding time for meals difficult; and

Whereas, The candy supplied to the Senate by Brent Shay and the Eby-Brown Company has been enjoyed and appreciated by the members and staff: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate expresses its sincere appreciation to Brent Shay and the Eby-Brown Company for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Brent Shay and the Eby-Brown Company.

The resolution was read in full and adopted by voice vote.

Senate Resolution 23

Senate Resolution 23, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express appreciation to Robert Kraft of the Indiana Farm Bureau.

Whereas, Enacting legislation requires a clear mind and a healthy body;

Whereas, Milk is an excellent source of calcium and nutrients, is refreshing, filling, and has helped provide the members and staff of the Senate with stamina and fortitude; and

Whereas, Robert Kraft of the Indiana Farm Bureau has kept the milk machine filled by delivering a considerable amount of milk to the Senate each week: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate extends its deep appreciation to Robert D. Kraft of the Indiana Farm Bureau for the provision of milk to the Indiana Senate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Robert Kraft of the Indiana Farm Bureau.

The resolution was read in full and adopted by voice vote.

Senate Resolution 18

Senate Resolution 18, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the sincere appreciation of the Senate for the invaluable contribution of the Doctor of the Day program and the doctors who participate by providing care to the members and staff of the Indiana Senate.

Whereas, The Indiana Academy of Family Physicians and the Indiana State Medical Association have provided an invaluable service to the Indiana Senate and the General Assembly during this legislative session by the operation of the "Doctor of the Day" program;

Whereas, The Indiana Academy of Family Physicians and the Indiana State Medical Association have provided competent and experienced physicians who have donated their time and expertise by providing on-the-spot medical care to the members and staff of the legislature;

Whereas, The "Doctor of the Day" program is invaluable in that the presence of a physician contributes to the smooth operation of the Indiana Senate which results in quality legislation on behalf of the citizens of the State of Indiana; and

Whereas, Each member of this body is appreciative of the fine efforts of the dedicated physicians who have contributed their services for this program. The security of having a competent physician within steps of the Senate Chamber is of inestimable value to the members of the Senate: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby expresses its deepest gratitude to the Indiana Academy of Family Physicians, The Indiana

State Medical Association, and the dedicated physicians who participated in the "Doctor of the Day" program during this Second Regular Session of the One Hundred Fourteenth Indiana General Assembly. We look forward to a continued relationship with these worthwhile organizations and dedicated individuals.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the President of the Indiana Academy of Family Physicians, to the Executive Director of the Indiana State Medical Association, and to each of the physicians who participated in the "Doctor of the Day" program this session.

The resolution was read in full and adopted by voice vote.

Senate Resolution 24

Senate Resolution 24, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana State Senate's appreciation to Joe Lackey and the Indiana Soft Drink Association.

Whereas, Enacting legislation can be an arduous process, requiring many hours in committee hearings, meetings, and in session;

Whereas, The soft drinks supplied to the Senate by Joe Lackey and the Indiana Soft Drink Association have been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its sincere appreciation to Joe Lackey and the Indiana Soft Drink Association for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Joe Lackey and to the Indiana Soft Drink Association.

The resolution was read in full and adopted by voice vote.

Senate Resolution 19

Senate Resolution 19, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express appreciation to Brian Breslin of Meijer.

Whereas, Enacting legislation requires a clear mind and a healthy body;

Whereas, Water is refreshing and has helped provide the members and staff of the Senate with hydration and fortitude; and

Whereas, Brian Breslin of Meijer has generously kept the Senate supplied with bottled water throughout the session: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate extends its deep appreciation to Brian Breslin of Meijer for the provision of bottled water to the Indiana Senate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Brian Breslin of Meijer.

The resolution was read in full and adopted by voice vote.

Senate Resolution 20

Senate Resolution 20, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Warren Disch and Supervalu - Central.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes finding time to eat meals difficult; and

Whereas, The M&M candy supplied to the Senate by Warren Disch and Supervalu - Central has been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate expresses its sincere appreciation to Warren Disch and Supervalu - Central for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Warren Disch and Supervalu - Central.

The resolution was read in full and adopted by voice vote.

Senate Resolution 21

Senate Resolution 21, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company.

Whereas, Enacting legislation can be an arduous process which requires that Senators spend many hours in committee hearings, meetings, and in session; and

Whereas, The pretzel sticks supplied to the Senate by Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company have been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate wishes to express its sincere appreciation to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company for their generosity.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit copies of this Resolution to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company.

The resolution was read in full and adopted by voice vote.

Senate Resolution 16

Senate Resolution 16, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to recognize the outstanding work of the employees of the Indiana Senate.

Whereas, The Senate of the Indiana General Assembly recognizes its employees for their consistent standard of excellent service;

Whereas, The staff and personnel of the Senate deserve praise and commendation from all members of this body and from the public at large for their courteous performance of duties; and

Whereas, The Senate and the State of Indiana have benefitted from the expedient and efficient work of the Senate employees: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The devotion to duty, excellent service, and courteous demeanor of the Senate's employees are deeply appreciated by us all. We commend the staff for their service to the State of Indiana during the Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to each person who served as a Senate employee.

The resolution was read in full and adopted by voice vote.

Senate Resolution 17

Senate Resolution 17, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Senate's sincere appreciation to the staff of the Indiana Legislative Services Agency.

Whereas, The staff of the Indiana Legislative Services Agency has extended full cooperation and devoted countless hours and effort to assure the viability and function of the legislative process;

Whereas, The staff of the Indiana Legislative Services Agency offers invaluable help and expertise in assisting members of the Senate with legislative problem solving; and

Whereas, The staff of the Indiana Legislative Services Agency has served the Senate loyally, capably, and tirelessly: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the members of the Senate express their full appreciation and sincere commendation to the entire staff of the Indiana Legislative Services Agency for their loyal, capable, and tireless service.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to all staff members and employees of the Legislative Services Agency.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 61

House Concurrent Resolution 61, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring the Martinsville High School Academic Decathlon team.

Whereas, The Martinsville High School Academic Decathlon team captured its ninth straight state large school title during the state competition held at Purdue University on February 10 and 11, 2006;

Whereas, Martinsville High School's margin of victory was 6,940 points, the largest margin of victory for the decathlon squad;

Whereas, In addition to its overall first place, the squad earned a first place in each competitive area, including art, economics, essay, interview, language and literature, math, music, speech, science, and Super Quiz;

Whereas, Katie Hammitt won gold in music, art, and Super Quiz, silver in overall individual, bronze in language and literature; Amanda Schoolcraft won gold in Super Quiz, silver in language and literature, and bronze in speech; Morgan Ward won gold in speech and Super Quiz; Bryan Dawson won gold in Super Quiz, bronze in speech and essay; Evan Kirsch won gold in Super Quiz, silver in music, art, and literature and language, bronze in overall individual, math, science, and economics; Andrew Lane won gold in overall individual, music, art, math, science, and Super Quiz, silver in economics, bronze in interview and language and literature; Travis Barnett won gold in math, essay, economics, and Super Quiz, silver in overall individual, music, art, science, and language and literature, bronze in speech; Kyle Purdue won gold in overall individual, music, speech, language and literature, and Super Quiz, silver in interview, math, and economics, bronze in art, science, and essay; Caitlin Thompson won gold in art, interview, science, and Super Quiz, bronze in overall individual, music, and economics;

Whereas, With this state championship, Martinsville High School has earned 18 state titles in events sponsored by the Indiana Association of School Principals, the most in the state;

Whereas, The Martinsville team will represent its school at the national competition to be held in San Antonio, Texas;

Whereas, Coach Wayne Babbitt emphasizes that, even though individuals have accomplished great things, the championship was a total team effort;

Whereas, Coach Babbitt also stressed that, in addition to the honor of winning, the value of the Academic Decathlon is that it prepares the participants for college and life by emphasizing good study skills and exposing students to new subjects; and

Whereas, This state title is a continuation of the long line of successes achieved by the Martinsville High School academic teams: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to congratulate the Martinsville High School Academic Decathlon Team for capturing the state championship for the large school division in the Hoosier Academic Decathlon state championship for the ninth consecutive year and to wish the students continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to team members Amanda Schoolcraft, Bryan Dawson, Katie Hammitt, Kyle Purdue, Morgan Ward, Caitlin Thompson, Andy Lane, Evan Kirsch, and Travis Barnett, coach Wayne Babbitt, and Don Alkire, principal of Martinsville High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 48

Senate Concurrent Resolution 48, introduced by Senators Broden and Zakas:

A CONCURRENT RESOLUTION congratulating and honoring the South Bend Silver Hawks Class A Minor League Baseball team for their outstanding 2005 season which culminated in a Midwest League Championship victory.

Whereas, The South Bend team was awarded a Midwest League franchise in 1988 bearing the name of their parent club, the Chicago White Sox; and

Whereas, The team was renamed "Silver Hawks" in 1994 in honor of the Studebaker Silver Hawk, which was once manufactured in South Bend; and

Whereas, The team's home field is Coveleski Stadium, built in 1987 and name for Stan Coveleski, the Hall of Fame pitcher who once resided in South Bend; and

Whereas, The team's record (84-56) was the best in the Midwest League for the season; and

Whereas, Manager Mark Haley was named the Midwest League Manager of the Year; and

Whereas, Outfielder Carlos Gonzalez was named MWL Prospect of the Year and Most Valuable Player; and

Whereas, The team had the best home record (44-26) and the best road record (40-30) in the Midwest League for the 2005 season; and

Whereas, The team lead the League in batting (.281), infielder Augie Murillo lead the league in individual runs scored (94), and infielder Cesar Nicolas was the League leader on base percentage (.428); and

Whereas, The team won the 2005 Midwest League Championship by beating the Wisconsin Timber Rattlers three games to two in a best of five games series; and

Whereas, The team members include pitchers Ryan Coffin, Matt Elliot, Hipolito Guerrero, Steven Jackson, Chris Kinsey, Koley Kolberg, Ross Ohlendorf, Josh Perrault, Kellen Raab, Mark Rosen, Todd Stein and Esmerling Vasquez; catchers Wilkin Castillo, Orlando Mercado and Allen Mottram; infielders Emilio Bonifacio, Alberto Gonzalez, Billy Lockin, Agustin Murillo, Cesar Nicolas and Mark Reynolds; outfielders Carlos Gonzales, Travis Gullck, Jereme Milons and Brandon Simon; manager Mark Haley, pitching coach Willington Cepeda, hitting coach Tony Dello, trainer Scott Jones, strength and conditioning coach Rick Spenner, executive vice president Erik Haag, and assistant general manager Tim Arseneau: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The General Assembly congratulates and honors the South Bend Silver Hawks Class A Minor League Baseball team for their outstanding 2005 season which culminated in a Midwest League Championship victory.

SECTION 2. The Secretary of the Senate shall forward a copy of this Resolution to each player, coach, manager and executive of the team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bauer, Kromkowski, Dvorak, and Fry.

2:05 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:57 p.m., with the President of the Senate in the Chair.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 172:

Conferees: Lubbers, Chair and Rogers

Advisors: Delph and Sipes

GARTON
Date: 3/6/2006
Time: 1:53 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 266:

Conferees: Miller, Chair and Sipes

GARTON
Date: 3/6/2006
Time: 11:45 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 117:

Conferees: Gard, Chair and Breaux

GARTON
Date: 3/6/2006
Time: 1:26 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 87:

Conferees: Jackman, Chair and R. Young

GARTON
Date: 3/6/2006
Time: 1:38 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 321:

Conferees: Kruse, Chair and Craycraft

GARTON
Date: 3/6/2006
Time: 1:42 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 333:

Conferees: Dillon, Chair and Broden

GARTON
Date: 3/6/2006
Time: 11:55 a.m.

Report adopted.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 11.

DROZDA

Roll Call 314: yeas 48, nays 0. Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 26

Senate Resolution 26, introduced by Senator R. Young:

A SENATE RESOLUTION to memorialize former State Senator Bernard Joseph Krampe of Ferdinand, Indiana upon his death on March 1, 2006.

Whereas, He was born on August 2, 1927 in Ferdinand, Indiana to Theresia and Albert Krampe; and

Whereas, He had two brothers: Albert L. "Sonny" and Gerard Krampe both of Ferdinand; and four sisters: Mrs. Arnold (Rose Ann) Hurst of Middleton, Ohio, Sylvia Spencer and Mrs. David (Maric) Daunhauer both of Ferdinand, and Fancille Oser (Deceased); and

Whereas, He graduated from Huntingburg High School in 1946, served in the U.S. Army Air Corps from 1945-1947, and continued

his education at Indiana State University from 1947 to 1949; and

Whereas, He enjoyed a long and dedicated life of both public and private service including his two years in the State Senate during the mid-1960's, service on the Ferdinand Town Council and as Precinct Committeeman, active membership with the AARP and its lobbying efforts in Indianapolis, lobbying for Statewide Rural Electric Cooperative, and service as 8th district Young Democrats President in 1959; and

Whereas, He was also a retired truck driver for North American Van lines, was a past Commander at the Ferdinand American Legion, past President of the Sierra Club, member of the St. Vincent Depaul Society and volunteered with the Ferdinand Senior Citizens and Generations; and

Whereas, He was appointed by Senator Richard Young on September 26, 2002 to the Utility Regulatory Commission Nominating Committee where he served as a member until his death: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The General Assembly memorializes former State Senator Bernard Joseph Krampe of Ferdinand, Indiana upon his death on March 1, 2006.

SECTION 2. The Secretary of the Senate shall forward a copy of this Resolution to his surviving siblings.

The resolution was read in full and adopted by standing vote.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 35.

LONG

Roll Call 315: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 40.

FORD

Roll Call 316: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 55.

HARRISON

Roll Call 317: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 57.

HARRISON

Roll Call 318: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 71.

FORD

Roll Call 319: yeas 37, nays 13. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 102.

BECKER

Roll Call 320: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 111.

BECKER

Roll Call 321: yeas 42, nays 8. Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 112, filed March 2, 2006, be withdrawn from further consideration by the Senate.

RIEGSECKER

Motion prevailed.

The President of the Senate yielded the gavel to Senator Garton.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 114.

ZAKAS

Roll Call 322: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 147.

GARD

Roll Call 323: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House

amendments to Engrossed Senate Bill 160.

WYSS

Roll Call 324: yeas 38, nays 11. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 206.

DROZDA

Roll Call 325: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 234.

GARD

Roll Call 326: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 264.

WEATHERWAX

Roll Call 327: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 283.

R. YOUNG

Roll Call 328: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 310.

ALTING

Roll Call 329: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 342.

RIEGSECKER

Roll Call 330: yeas 27, nays 22. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 354.

WEATHERWAX

Roll Call 331: yeas 46, nays 3. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House

amendments to Engrossed Senate Bill 379.

FORD

Roll Call 332: yeas 48, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Engrossed Senate Bill 310.

ALTING

Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 112 and that a conference committee be appointed to confer with a like committee of the House.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 253 and that a conference committee be appointed to confer with a like committee of the House.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 349 and that a conference committee be appointed to confer with a like committee of the House.

WALTZ

Motion prevailed.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 33.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 6,

2006, signed Senate Enrolled Act 56.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 36.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 72.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 73.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 85.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 151.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 169.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 133.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 94.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 173.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 191.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 205.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 208.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6,

2006, signed Senate Enrolled Act 229.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 275.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Engrossed Senate Joint Resolution 2.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 39.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 69.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 81.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 86.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 146.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 154.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 201.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 308.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 374.

ROBERT D. GARTON
President Pro Tempore

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 369.

R. YOUNG

Motion prevailed.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 260 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 259 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, March 7, 2006.

LONG

Motion prevailed.

The Senate adjourned at 4:04 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate